
DIGEST

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Martiny

SB No. 317

Present law allows persons who were under the age of 18 at the time of the commission of the offense to be sentenced to life imprisonment without the benefit of parole for certain crimes, including first degree murder, second degree murder, aggravated rape, and aggravated kidnapping.

In the case of *Graham v. Florida* (130 S.Ct. 2011 (2010)), the U.S. Supreme Court held that the Eighth Amendment's "cruel and unusual punishment" clause does not permit a juvenile offender to be sentenced to life in prison without a reasonable opportunity for parole for a non-homicide crime.

Proposed law amends present law to allow persons who were under the age of 18 at the time of the commission of the offense, except those persons serving a sentence for a conviction of first degree murder or second degree murder, to be eligible for parole consideration upon serving 30 years of the sentence imposed when the following conditions have been met:

- (1) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (2) The offender has completed at least 100 hours of prerelease programming.
- (3) The offender has obtained a GED or, in certain circumstances, has completed a literacy program, an adult basic education program, or a job skills training program.
- (4) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument.
- (5) The offender has completed a reentry program as determined by DPS&C.

Proposed law further provides that for such parole decisions, the board shall meet in three-member panels and each member shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

Proposed law requires the panel to render specific findings of fact in support of its decision.

Effective August 1, 2012.

(Amends R.S. 15:574.4(B); Adds R.S. 15:574.4(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Changes the required amount of time served to be eligible for parole consideration from 20 to 25 years.

Senate Floor Amendments to engrossed bill

1. Make a technical change.

.Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill.

1. Amended the number of years an offender must serve from 25 to 30 years to be eligible for parole consideration pursuant to proposed law, and deleted the requirement that the offender attain the age of at least 45 years.
2. Added conditions and criteria necessary for an offender to be eligible for parole consideration pursuant to proposed law.